

**CALENDAR**  
**for**  
**REGULAR MEETING OF THE COUNCIL**  
**of the**  
**CITY OF LONG BEACH**  
**held**  
**APRIL 7, 2020**

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OFF CALENDAR

**PUBLIC HEARING:** Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Carryout Bags.

OFF CALENDAR

1. Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Carryout Bags.

Legislative Memo: The State of New York has enacted new plastic bag legislation banning the distribution of plastic carryout bags (other than those that are exempt). The City must repeal its current carryout bag legislation, and adopt the mandated State paper carryout bag reduction fee legislation.

2. Resolution Regarding Exemptions/Exclusions to the Families First Coronavirus Response Act.

Legislative Memo: The City's emergency responders deliver critical public health and safety emergency services to residents and businesses. The purpose of this resolution is to ensure the delivery of these critical services remains available.

3. Resolution Authorizing the City Manager to Renew the Current Contract with the East End Atlantic Beach Fire District.

Legislative Memo: The City has been providing fire-fighting, fire protection and Emergency Medical services to the East End Atlantic Beach Fire District for more than seventy years. This resolution will authorize a five year renewal with a 3% fee increase.

April 7, 2020

Item No. 1

Ordinance No. OFF CALENDAR

The following Ordinance was moved by  
and seconded by :

Ordinance to Amend the Code of Ordinances of the City  
of Long Beach Re: Carryout Bags.

BE IT ENACTED, by the City Council of the City of Long Beach, New York, as  
follows:

Sec.1. Chapter 14, Article VII, Carryout Bags, as heretofore amended, is hereby  
repealed, revoked and rescinded and the following Article VII, entitled “ Paper Carryout Bag  
Reduction Fee” is hereby adopted and enacted in place and stead of said Article, and shall read  
as follows:

Chapter 14. LICENSES AND BUSINESS REGULATIONS.

**“Article VII. Paper Carryout Bag Reduction Fee.  
Sec. 14-133. Definitions.**

**For the purposes of this Article, the following definitions shall apply:**

***Paper carryout bag* means a paper bag, other than an exempt bag, that is provided to  
a customer by a person required to collect tax to be used by the customer to carry tangible  
personal property, regardless of whether such person required to collect tax sells any  
tangible personal property or service to the customer, and regardless of whether any  
tangible personal property or service sold is exempt from tax under article twenty-eight of  
the Tax Law of the State of New York (hereinafter “Tax Law”).**

***Exempt bag* means a bag:**

- a. Used solely to contain or wrap uncooked meat, fish or poultry;**
- b. Bags used by a customer solely to package bulk items such as fruits,  
vegetables, grains, or candy;**
- c. Bags used solely to contain foods sliced or prepared to order;**
- d. Bags used solely to contain a newspaper for delivery to a subscriber;**
- e. Bags sold in bulk to a consumer at the point of sale;**
- f. Trash bags;**
- g. Food storage bags;**
- h. Garment bags;**
- i. Bags prepackaged for sale to a customer;**
- j. Plastic carryout bags provided by a restaurant, tavern, or similar food  
service establishment, as defined in the state sanitary code, to carryout or  
deliver food; or**
- k. Bags provided by a pharmacy to carry prescription drugs.**

**Sec.14.134. Imposition of paper carryout bag reduction fee.**

Pursuant to the authority of section 27-2805 of the Environmental Conservation Law of the State of New York, on and after June 1, 2020, there is hereby imposed and there shall be paid a fee of five cents on each paper carryout bag provided to a customer within the territorial limits of the City of Long Beach by every vendor of tangible personal property subject to tax under subdivision (a) of section 1105 of the tax law. The paper carryout bag reduction fee must be collected from the customer by the vendor at the time such bag is provided and must be reflected and made payable on the sales slip, invoice, receipt or other statement of the price rendered to the customer.

**Sec. 14.135. Exemptions.**

(a) The paper carryout bag reduction fee imposed by section 14.134 shall not apply to any customer using the supplemental nutritional assistance program, special supplemental nutrition programs for women, infants, and children, or any successor programs used as full or partial payment for the items purchased.

(b) Entities described in paragraphs (1) through (3) of subdivision (a) of section 1116 of the Tax Law of the State of New York shall be exempt from the fee imposed by section 14.134 of this Article.

**Sec. 14.136. Administration and collection.**

(a) The fee imposed shall be administered and collected by the New York State Commissioner of Taxation and Finance as provided in Subdivision (6) of § 27-2805 of the Environmental Conservation Law and in a like manner as the taxes imposed under Articles 28 and 29 of the Tax Law; provided, however that: (i) the vendor credit provided in subdivision (f) of § 1137 of the Tax Law shall not apply to this enactment; and (ii) the exemptions provided in section 1116 of the Tax Law, other than the exemptions in paragraphs one, two and three of subdivision (a) of such section, shall not apply to the fee imposed by this Article.

(b) Any monies received by the City of Long Beach from the Comptroller in respect of the fee imposed by this act shall be expended only in accordance with subdivision 7 of §27-2805. Any monies not expended by the City for such purposes shall be returned to the Comptroller at the end of the fiscal year.

**Sec. 14.137. Applicability of State Laws.**

All the provisions of § 27-2805 shall apply to the paper carryout reduction fee imposed by this Article with the same force and effect as if those provisions had been incorporated in full into this Ordinance.”

Sec. 2. This Ordinance shall take effect immediately. Any portion of this Ordinance that requires a waiver or other approval from the New York State Commissioner of Taxation and Finance shall take effect upon the prescribed date of such waiver/approval, or as otherwise prescribed by law.

April 7, 2020

Item No. 2  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Regarding Exemptions/Exclusions to the Families  
First Coronavirus Response Act.

WHEREAS, on or about March 13, 2020, President Trump declared a national  
emergency regarding the outbreak of the COVID-19 virus; and

WHEREAS, on or about March 18, 2020, the Families First Coronavirus  
Response Act (“Act”), which included a temporary expansion of the FMLA and emergency paid  
leave provisions, was signed into federal law: and

WHEREAS, the Act is due to take effect no later than April 1, 2020; and

WHEREAS, the Act permits covered employers, including public employers, to  
exclude emergency responders and health care providers from the applicable FMLA and  
emergency paid leave provisions of the Act; and

WHEREAS, the City of Long Beach recognizes that its emergency responders  
and/or health care providers deliver critical public health and safety emergency services to the  
City’s residents and businesses;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that:

1. Effective April 1, 2020, and to the extent it may be required by federal law or regulation, the City of Long Beach hereby exempts and excludes its emergency responders, including, but not limited to, all members of its Police and Fire Department, public works personnel, and any other job classifications as may be excludable under federal law and regulations, from any applicable FMLA and emergency paid leave provisions of the Act.
2. The City reserves the right to modify or terminate this Resolution at any time in order to meet the needs of the City and its employees.

April 7, 2020

Item No. 3  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing the City Manager to Renew the  
Agreement with the East End Atlantic Beach Fire District.

WHEREAS, for more than seventy years the City of Long Beach has provided to the East End Atlantic Beach Fire District, fire-fighting, fire protection and Emergency Medical Services; and

WHEREAS, the City and the East End Atlantic Beach Fire District desire to renew the agreement for said services for an additional five years, commencing January 1, 2020 through December 31, 2024, for a total fee of \$575,208.36 payable at a rate of \$115,041.67 annually, with an option for a five year renewal period upon terms agreed to by the parties ;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the City Manager be and she hereby is authorized to enter into and renew the agreement with the East End Atlantic Beach Fire District for a period of five years, commencing January 1, 2020 through December 31, 2024, for a total fee of \$575,208.36 payable at an annual rate of \$115,041.67, with an option to renew for an additional five year period upon terms agreed to by the parties; and be it further

RESOLVED, that said agreement shall contain such other terms, conditions and provisions as the City Manager shall deem proper.